

GOVERNMENT OF TELANGANA

ABSTRACT

P.S. - Disciplinary proceedings initiated against Sri A.Mogilaiah, formerly SDPO, Sircilla, now Assistant Commandant, 12th Bn., APSP, Nalgonda (Retired) - Further action dropped - Orders - Issued

HOME (SER-I) DEPARTMENT

G.O.Rt.No.372

Dated:04/05/2015

Read the following:-

- Ref:1) From the DGP, A.P., Hyd, Lr.Rc.No.6/O2/2010, dated 5.7.2010.
2) G.O.Ms.No.209, Home (Ser.I) Dept, dated 11.8.2010
3) G.O.Rt.No.1386, Home (Ser.I) Dept, dated 11.8.2010
4) From Sri A.Mogilaiah, formerly SDPO, Sircilla, now retired as Asst. Commandant, written statement of defence dated 28.1.2011
5) From the DGP, A.P., Hyderabad, Lr.Rc.No.6/O2/2010, dated 19.2.2011
6) G.O.Rt.No.1409, Home (Ser.I) Dept dated 26.08.2011
7) From the D.G.P. Telangana, Lr.Rc.No.235/G4/2014, dated 22.8.2014
8) Govt.Memo.No.20346/Ser.I/A2/2010, dated 04.02.2015
9) From Sri A.Mogilaiah, formerly SDPO, Sircilla, now retired as Asst. Commandant, representation dated 03.02.2015

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ORDER:

In the reference 1st read above, the Director General of Police, A.P., Hyderabad, has requested the Government to initiate disciplinary proceedings against Sri A.Mogilaiah, formerly SDPO, Sircilla, now retired as Assistant Commandant, 12th Bn., APSP, Nalgonda, for his perfunctory investigation in Cr.No.121/06 u/s 324, 506 IPC, Sec.3(1)(x) of SC/STs (POA) Act, 1989 of Ellanthakuta PS, Karimnagar District.

2. In the reference 2nd read above, sanction was accorded for initiating disciplinary proceedings against the said Sri A.Mogilaiah, formerly SDPO, Sircilla, now retired as Assistant Commandant, 12th Bn., APSP, Nalgonda, in terms of Rule 9(2)(b)(i) of A.P. Revised Pension Rules, 1980.

3. In the G.O. 3rd read above, article of charge was issued to the said retired charged officer, calling for his written statement of defence, for the following delinquency:-

"While you are working as SDPO, Sircilla Karimnagar District, you have filed charge sheet on 19.2.2007 in Cr.No.121/06 U/S 324, 506 IPC Sec. 3(I)(X) SCST (POA) Act, 1989 of Ellanthukunta PS, Karimnagar District, vide PRC No.38/2007 in the Hon'ble Court of JFCM, Sircilla, Karimnagar District. The case was taken up by the 5th Addl. Sessions Judge, Karimnagar and PT in SC No.32/07. As per rules framed under SCs/STs (POA) Act, the Deputy Superintendent of Police is Investigating Officer and the trial in the POA Act cases has to be attended by the Deputy Superintendent of Police. The Government in Memo No.251/SC-B/2007-1, dated 24.10.2007 of Home (SC-B) Department, entrusted the above case to CID for re-investigation. On which, the Addl. Director General of Police, C.I.D., Hyderabad in Memo No.1709/C17/CID/2007, dated 5.11.2007 requested the Superintendent of Police, Karimnagar to instruct the concerned Deputy Superintendent of Police to handover the CD file and other relevant records to Sri G.Penchal Naidu, Deputy Superintendent of Police, RCIU, CID, Karimnagar, duly obtaining the permission from the concerned Court u/s 173 (8) Cr.P.C. for further investigation by CID. Sri G.Penchal Naidu, Deputy Superintendent of Police, CID was appointed as Investigating Officer in Cr.No.121/06 in proceedings No.1709 /17/CID/2007, dated 5.11.2007. He contacted you and requested for handing over CD file and also to file requisition in the Court u/s 173 (8) Cr.P.C. As per the endorsement of Superintendent of Police, Karimnagar dated 30.1.2008 on the reminder memo of Addl.DGP, CID, Hyderabad dated 23.1.2008, you prepared a requisition on 29.2.2008 i.e. after a gap of almost one month and wilfully filed it in JFCM Court, Sircilla, requesting permission u/s 173 (8) Cr.PC through APP, Karimnagar, even though you are aware that the JFCM Sircilla already taken up the case to 5th Addl. Sessions Judge and the trial is pending before Hon'ble 5th Addl. Sessions Judge, Karimnagar. On 12.3.2008, the

JFCM, Siricilla endorsed on the requisition stating that "since matter pending before Hon'ble 5th Addl. Sessions Judge, Karimnagar, the IO is directed to file the requisition before proper Court for orders". Only on 19.3.2008, you prepared requisition for filing in the Court of 5th Addl. Sessions Judge, through Addl. PP Grade-I, Special Session Judge Court for SCs/STs (POA) Act, Karimnagar. You did not ensure that the requisition given to Addl. PP be filed in the 5th Addl. Sessions Judge, Karimnagar through Addl. PP Grade-I immediately. As the requisition was not filed, the Hon'ble 5th Addl. Sessions Judge, Karimnagar pronounced judgment on 4.7.2008 acquitting the accused.

Thus due to your dereliction of duty and intentionally avoiding to file requisition in appropriate Court i.e. 5th Addl. Sessions Judge, Karimnagar soon after receipt of memo from the Superintendent of Police, Karimnagar, till your transfer from the post of SDPO, Siricilla on 18.5.2008, orders u/s 173 (8) Cr.PC could not be obtained and the CID could not take up the investigation. Thus, you violated the rule-3 of APCS (Conduct) Rules, 1964. Hence, the charge."

4. In the reference 4th read above, the charged officer has submitted his written statement of defence denying the charges framed against him. As the charged officer has not admitted the charges framed against him, Government have decided to conduct Oral Enquiry against the said Charged Officer. Accordingly, based on the proposals of DGP, Hyderabad vide reference 5th read above, Government have appointed Sri Mohd. Ahsan Reza, IPS, I.G.P., Home Guards as Inquiring Authority to conduct O.E. on the charges framed against him and Sri S.Srinivasa Rao, Advocate, has been appointed as Presenting Officer, vide reference 6th read above.

5. In the reference 7th read above, the D.G.P., Telangana, Hyderabad has forwarded the enquiry report submitted by the Inquiry Authority, in which the charges framed against the charged officer is **held proved** and requested to dispose the Punishment Roll, being the competent authority.

6. The Government accepted the findings of the Inquiry Authority and based on the records made available, have provisionally decided to impose the penalty of withholding of 10% in pension for a period of three (3) years, on the charged officer and accordingly, in Govt. Memorandum 8th read above, while furnishing a copy of inquiry report, a show cause notice was issued to the said Retired Charged Officer, duly specifying the proposed penalty, as required under A.P. Revised Pension Rules, 1980. The charged officer in the reference 9th read above has submitted his explanation to the show cause notice and requested the Government to drop further action, for the reasons mentioned therein.

7. Government, after careful examination of the matter, keeping in view of the records made available and taking the representation of the charged officer into consideration, hereby **drop the further action** against Sri A.Mogilaiah, formerly SDPO, Siricilla, now Assistant Commandant, 12th Bn., APSP, Nalgonda (Retired).

8. The Director General of Police, Telangana, Hyderabad shall take necessary action. The Personal file of the retired employee is herewith returned, which should be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

B.VENKATESHAM
SECRETARY TO GOVERNMENT

To
Sri A.Mogilaiah, D.S.P. (Retired) thru the D.G.P. Telangana, Hyderabad

Copy to:-

The Director General of Police, Telangana, Hyderabad - (w.e.)

// FORWARDED :: BY ORDER//

SECTION OFFICER